

## RELIGION IN THE WORKPLACE

### *Introduction*

The press in the United States has reported on some rather contentious controversies over religious observance and expression in workplaces abroad. Invariably these reports have arisen out of demands by Muslim women to wear headscarves over the opposition of their employers, co-workers, or customers. As the press has noted, these disputes implicate larger questions of public policy when the demands come from schoolteachers (or students) and take on a special political or ideological coloring in France and Turkey.

At the same time, analogous controversies have arisen in the United States, most recently, for example, in disputes at meatpacking plants in Nebraska and Colorado over demands by Muslim workers for work breaks to allow for prayer during Ramadan and counter-protests of resulting disadvantage by their non-Muslim co-workers.<sup>1</sup> Public attention has also been drawn to the injection of religion into the workplace by employers<sup>2</sup> as well as employees<sup>3</sup> and to efforts by religious groups to impose a more stringent duty on employers to accommodate religious belief than the minimal “undue hardship” test of current antidiscrimination law.<sup>4</sup>

Thus, the time seemed right to assemble a group for the presentation and analysis of the law governing religion in the workplace from a comparative perspective. The Program in Comparative Labor and Employment Law & Policy of the University of Illinois College of Law enlisted the assistance of the Nantes Institute for Advanced Studies, led by Professor Alain Supiot, to assemble what we considered to be a stellar academic group to meet and confer in Nantes, France, on May 23–24, 2008.

---

1. E.g., Tripp Baltz, *After Deal Reached, Nebraska Swift Facility Fires 80 Muslim Workers Over Prayer Dispute*, D.L.R. No. 188, Sept. 29, 2008, at A-4.

2. For example, by hiring “corporate chaplains.” Jane Lampman, *Spiritual Guidance . . . in the workplace?*, CHRISTIAN SCIENCE MONITOR, Sept. 1, 2005, available at <http://www.csmonitor.com/2005/0901/p12s03-lire.html>. See also Russel Shorto, *With God at Our Desks: The Rise of Religion and Evangelism in the American Workplace*, N.Y. TIMES MAGAZINE, Oct. 31, 2004, at 40.

3. Kelly Holland, *When Religious Needs Test Company Policy*, N.Y. TIMES, Feb. 25, 2007, at B-17; Matt Villano, *The Separation of Church and Job*, N.Y. TIMES, Feb. 5, 2006, at B-10.

4. Note, *A Struggle of Biblical Proportions: The Campaign to Enact the Workplace Religious Freedom Act of 2003*, 16 U. FLA. J.L. & PUB. POL’Y 579 (2005).

466 COMP. LABOR LAW & POL'Y JOURNAL [Vol. 30:465

We believe that the following conference proceedings more than justify that effort and validate those choices.

Customarily, the convener of a conference of this kind attempts at the outset to gather the major themes and place the contributors' work in a larger framework. Blessedly, we are spared that challenging task for Kenneth Wald, whom we asked to write an end paper from the perspective of social science, has done just that—and a good deal more. We have chosen accordingly to put his end paper first, better to guide the perplexed.

We are indebted to all of our participants for the hard and serious work so obviously reflected in their contributions. And we are especially indebted to Professor Supiot whose own professional contribution is equaled only by his and his staff's effort in putting the conference together. *Un grand merci à tous.*

*The Editors*